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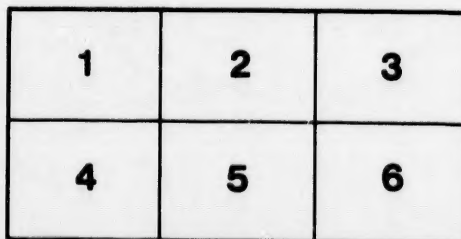
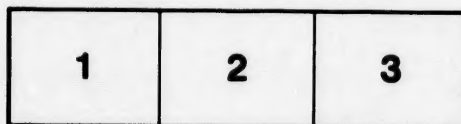
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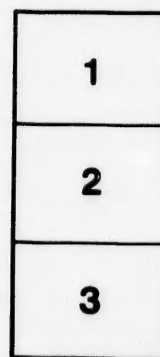
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COMMENTS

ON THE

CONVENTION

WITH

SPAIN.

"BY THEIR WORKS YE SHALL KNOW THEM."

L O N D O N :

Printed for T. ARTELL, No. 1, FINCH-LANE, CORNHILL;

And to be had at the Pamphlet-Shops under
the ROYAL-EXCHANGE.

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COMMENTS

CONVENTION

WITH

S P A I N

"BY THEIR WORKS YE SHALL KNOW THEM."

L O N D O N

Printed by T. A. WATKINS, No. 1, Finch-Lane, Cornhill;

And to be had at the Pamphlet-Shops under

the Royal-Exchange.

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COMMENTS, &c.

IN the year 1785, an application was made to government, by some merchants and traders of the city of London, for a licence to sail to the North-West coast of America, and open a trade from thence to the Japanese islands, for the disposal of a superior kind of fur, which capt. Cook describes as an article that obtained an extraordinary price in the Japanese and Chinese markets. They represented that this trade, if properly encouraged, would open a new channel for the disposal of British manufactures: that it would take off large quantities of damaged hardware, pottery, &c. which were unmarketable in this country: — that it would be the means of relieving the India company from the necessity of exporting annually immense quantities of dollars from Europe: — and therefore they requested, in the first instance, the sanction and patronage of government.

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ment for an experimental voyage. They solicited for two ships, named the George and Charlotte, to be licensed for five years; to have an additional licence from the East-India and South-Sea companies, to navigate within their respective limits; and, above all, to have permission from the East-India company to bring back a freight of teas. The ministry approved the enterprize. Great expectations were formed from it, and singular exertions made to carry it into immediate execution. The Board of Controul had been newly established. An India-bill had overturned one administration. A second bill (which differed more in form than substance from the former) was, at the period alluded to, the great object of ministerial triumph and attention: and therefore every thing which related to the company or the support of their affairs, every scheme which promised an improvement or relief to their finances, was assiduously and cheerfully adopted. Ministry conceived, that, by countenancing these adventurers, the gold of Japan would be made to pay for the company's purchases at Canton, while it increased the exports of Great-Britain. Protections were given. The licences were granted. The ships returned to Europe, after a three-years voyage, to the disappointment

pointment of the parties concerned. The trade was abandoned in England, though still carried on from Calcutta. The settlements and ships were seized by the Spaniards, and, in consequence of the insult, we armed.

Let us now contemplate for a moment the substance of his majesty's message to both houses. It complains of the seizure of the ships, the insult offered to the British flag, the imprisonment of British officers and seamen. It states that the ambassador of the catholic king, by order of his court, had desired that measures might be taken for preventing his majesty's subjects from frequenting those coasts: that complaints were likewise made of the fisheries carried on by his majesty's subjects in the seas adjoining to the Spanish continent: but, above all, his majesty's message sets forth that a direct claim was asserted, by the court of Spain, to **THE EXCLUSIVE RIGHT of SOVEREIGNTY, NAVIGATION, and COMMERCE**, in the territories and coasts in that part of the world and seas. The minister properly enforced the message: dwelt, with a becoming energy, upon the leading points of it; and, having shewn the house the necessity of the most vigorous exertions, emphatically added, **HIS MAJESTY'S SER-**

VANTS WILL NOT BE CONTENT WITHOUT THE MOST HONOURABLE REPARATION ON THE PART OF SPAIN: THEY WILL NOT, AT THE SAME TIME, OMIT ANY THING, CONSISTENT WITH THE HONOUR AND DIGNITY OF GREAT-BRITAIN, THAT MAY LEAD TO A PEACEABLE TERMINATION OF THE DISPUTE. AT ALL HAZARDS, HOWEVER, THEY ARE DETERMINED TO ASSERT THE RIGHTS OF ENGLISHMEN, AND TO MAINTAIN, TO THE LAST EXTREMITY, THE GLORY OF THEIR COUNTRY.

This was a language becoming the man and the minister; it vindicated the character of a gallant and intrepid nation.— Mr. Fox assented to the minister's motion. He however observed, that the value of the ships and property seized was but a secondary object, compared with that of obliging Spain to renounce her antiquated claim to the exclusive right of sovereignty, navigation, and commerce, in the southern ocean. For, added the honourable gentleman, if reparation be made us in the present case, if we have peace to-morrow, we can have no security for a peace till Spain is compelled to abandon this exclusive claim. — Mr. Pitt's answer was perfectly plain and positive: it amounted to this: That he had no difficulty

difficulty in declaring that he should consider *every concession inadequate* that did not *finally put an end to similar disputes in future*. The public construed this language in its literal sense; Spain, said they, has repeatedly injured and insulted the subjects of Great-Britain, by her claim of exclusive right; she never hitherto has been compelled to relinquish this right; but now we are to consider the present contest as the last that can ever happen upon this question; for the minister pledges himself to parliament and the nation that he will not consider any concession ~~as~~ *an adequate satisfaction* that does ~~not take~~ from his catholic majesty the power of reviving this ground of dispute in future.

We will now consider the CONVENTION; how far it amounts to an honourable reparation; how far it asserts the rights of Englishmen; how far it maintains the glory of the country; and how far it tends to put an end to those contentions which have heretofore so repeatedly originated in that proud claim of an exclusive right of sovereignty, navigation, and commerce.

It is allowed, by every maritime power in Europe, that there are three distinct grounds upon which the doctrine of right is to be maintained:

maintained : the right of conquest, discovery, and possession. The first is upheld by force, the second is assumed by enterprize, the third acquired by attention. A country discovered, and abandoned, as soon as discovered, for a length of time, perhaps a century or more, in the construction of the law of nations, gives no right of possession : it must be a solemn and a formal claim, an immediate assertion of right, an occupancy soon after it is discovered, or it becomes a general right to the subjects of any nation who may be subsequently countenanced to assume a settlement. The first navigators who sailed round ~~the Cape of Good Hope~~ ^{Asia} certainly derived no right of possession from sailing past the coast of Patagonia. They saw the coast, they left the coast, and left it free to those who chose to establish themselves upon it. Spain first makes a settlement in the centre of South-America, and then arrogantly assumes a right to the whole extent of territory bordering on the Southern Ocean, from Cape Horn to the North pole. Every foot of land washed by the Southern or Pacific Ocean, in virtue of a pope's decretal, granted in arbitrary and superstitious times, is considered by the Spanish court, at this day, as the absolute property of Spain. No matter whether the territory

territory was discovered or not; lands known and unknown; all that was described or could be described, at the time the grant was made, was comprehended in the concession; and the Spanish monarch was constituted, by the fallible head of an infallible church, the sole and absolute proprietor of every part of the coast, from Terra del Fuego to the North pole. But did Great-Britain ever admit such right? Most assuredly not. Has it not ever been considered as a nominal a notional right? a ridiculous a contemptible right? a theoretical right in every sense of the word? At what period has a British minister acknowledged the right of Spain to this exclusive privilege? When was it discussed? How was it allowed? Who defined it? Who confirmed it? Who supported it? Who *submitted* to it?

THOSE WHO HAVE SUBMITTED TO THE CONVENTION.

Let us now read and contemplate the articles of the Convention fairly, coolly, dispassionately: not as Whigs or Tories; not as party-men of any description; but with a disposition to regard the force of truth, and to attend to the obligations of reason.

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" ARTICLE I.

" It is agreed that the buildings and tracts of
 " land, situated on the North-West coast of
 " the continent of North-America, or in
 " islands adjacent to that continent, of which
 " the subjects of his Britannic majesty were
 " dispossessed, about the month of April, 1789,
 " by a Spanish officer, shall be restored to the
 " said British subjects."

This is well. It confirms the obligation contained in the DECLARATION, that, a Spanish officer having seized a wooden house, belonging to a British settler at Nootka-Sound, and dispossessed him of a tract of land, the house and land shall be restored to him. — The inference is extremely plain; we claim a right to a settlement at Nootka from having discovered Nootka. A British subject is plundered and insulted for making such settlement. We arm sixty sail of the line to support our right to Nootka. We expend millions in equipments. And, as a reward for our spirited exertions, and an indemnification for our expences, the adventurer who built the house may, if he thinks proper to go back and occupy it, possess the house again. — This article is very explicit. We seized the house, says the Spaniard, and

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we claimed the land. It don't suit us, at present, to maintain the seizure; therefore you are welcome to a re-possession, till such time as it may be more convenient for us to dispossess you of the settlement again. No other construction can possibly be put upon this article: for it is clear that concessions originating in compulsion will one day evaporate in insult.

“ ARTICLE II.

“ And further, that a just reparation shall
 “ be made, according to the nature of the case,
 “ for all acts of violence or hostility which
 “ may have been committed, subsequent to the
 “ month of April, 1789, by the subjects of
 “ either of the contracting parties, against the
 “ subjects of the other; and that, in case any
 “ of the said respective subjects shall, since the
 “ same period, have been forcibly dispossessed
 “ of their lands, buildings, vessels, merchan-
 “ dize, or other property whatever, on the
 “ said continent, or on the seas or islands adja-
 “ cent, they shall be re-established in the pos-
 “ session thereof, or a just compensation shall
 “ be made to them for the losses which they
 “ shall have sustained.”

This article originates in Spanish policy.
 Doubts and apprehensions had been enter-

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tained, by the Spanish minister, from the commencement of our armament, that an express had been forwarded over-land to India with instructions to make reprisals, for the depredations committed at Nootka, by an attack upon the Manillas; and therefore, in order to defeat the mischiefs, if any had ensued, the Spanish minister evidently contended for this provisional clause, under the certain conviction, that, as no enterprize had been undertaken by his own court, nothing but convenience could result from it.

“ ARTICLE III.

“ And, in order to strengthen the bonds of
 “ friendship, and to reserve in future a per-
 “ fect harmony and good understanding,
 “ between the two contracting parties, it is
 “ agreed that their respective subjects shall not
 “ be disturbed or molested, either in navigating
 “ or carrying on the fisheries in the Pacific
 “ Ocean, or in the South-Seas, or in landing
 “ on the coasts of those seas, in places not al-
 “ ready occupied, for the purpose of carrying
 “ on their commerce with the natives of the
 “ country, or of making settlements there;
 “ the whole subject, nevertheless, to the re-
 “ strictions and provisions specified in the
 “ three following articles.”

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Here we contemplate concession and restriction most singularly and ridiculously blended. It commences with a declaration of a free and undisturbed right of fishery and navigation, and ends with restrictive provisions which are to be explained in the subsequent articles. In one line, the British subject is not to be disturbed; in the next, he is subject to every interruption. He is not to be molested, it is true; he is only to be exposed to molestation. He is not to be disturbed in his settlement, he is only to be precluded from making any settlement at all. For will any man say that the licence given to build a HUT, a TEMPORARY HUT! is the right of making a settlement? It is an insult upon common-sense; an absurdity in terms. However clear, therefore, this article may be in the commencement, it is peculiarly clouded in the end. It engages handsomely, it qualifies meanly, it deserts its conditions insultingly. For what can be more offensive to the reflections and the feeling of a liberal and generous people, what more insulting to their understandings, than to be told, by the Spanish monarch, We grant you an indulgence, when you never acknowledged our right. We allow you to fish where you have uniformly denied our power.

er to restrain you. We permit you to sail where you have always navigated at discretion. We suffer you to land under certain stipulations to which you never have been subject before. We have been accustomed to claim an exclusive right, but the government and the subjects of Great-Britain have ever treated it with derision. We did not dare to maintain that right.--We did not dare to interrupt your fishery.---We did not dare prevent your landing upon any part of the unoccupied coast: you might have carried on your fishery to the end of time, for we could not have restrained you: --- but your minister has wisely contended for the establishment of your right, and we have indulged him with a SPECIFIC RESTRICTION

“ ARTICLE IV.

“ His Britannic majesty engages to take the
 “ most effectual measures to prevent the naviga-
 “ tion and fishery of his subjects, in the Pacific
 “ Ocean or in the South-Seas, from being
 “ made a pretext for illicit trade with the Spa-
 “ nish settlements: and, with this view, it is
 “ moreover expressly stipulated, that British
 “ subjects shall not navigate or carry on their
 “ fishery, in the said seas, within the space of
 “ ten sea-leagues from any part of the coasts
 “ already occupied by Spain.”

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How does this article agree with the letter and the spirit of the 9th of Anne? There the right of navigation is given in the most comprehensive terms. That act trembles at no papal bulls: it shrinks before no nonsensical decretals: it admits no insulting usurpations; it braves the Spanish monarch and his arrogating claims in every line of it. It says, to the South-Sea company, and to all who may be licensed by it, Go: go, freely, and in defiance of all foreign pretensions. Go, navigate the Southern Ocean; discover what you can; settle where you like; range from one extremity of the globe to the other; the Parliament of Great-Britain gives you this privilege, and it will suffer no power upon earth to controul you. Your limits commence at Rio del Plata, extend to Cape Horn, and continue on the North-West side of the continent to the extremity of the North pole. You are empowered to carry merchandize into, unto, and from, all or any the kingdoms, lands, territories, islands, cities, towns, forts, havens, creeks, and places, of America, within the limits aforesaid. You are to hold, for your own use and benefit, all settlements you may make; and you are to enjoy the benefit of all mines of gold, silver, or other ore, which you may open, upon terms

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of foccage to the crown. --- We conceive it derogatory to our dignity and independence (said the ministers of that day) to consult the Spanish court in granting you a free charter. We make no humiliating stipulations for the prevention of an illicit trade; neither do we submit to a hovering-act, to make you liable to seizure and confiscation. The Southern and Pacific Oceans are as free as the Atlantic; as free as air; common to the ships of all countries. No state has or can have an exclusive right to the navigation of those seas. And, therefore, if the Spaniard dares to assert such right, we will shew him that we dare deny it.

Here were no fears, no meanneses, no abject submissions, no base degrading accommodations.—All was open, manly, positive. The ministry of that day passed a licensing and declaratory act, which set Spain and her territorial monopolies at defiance. They said to the South-Sea company, Find and occupy; discover Nootka and settle there. We are alike indifferent to the constructions and resentments of Spain. Be active, be enterprizing, be free.

Not such, however, is the language of the CONVENTION: for in that we contemplate a supreme degree of the most abject and mortifying humiliation. In a navigation of 5000 miles

miles in extent, from the kingdom of Chili to the extremities of New Mexico, we have consented that every vessel found within 30 miles of the coast shall be liable to seizure and confiscation: that mistakes in distances and bearings shall be exposed to the penalties of intentional offence: and that the rights and properties of British subjects, navigating those seas, shall be liable to insult, plunder, and disputation, at the discretion of those officers to whom the conduct of their guarda-costas shall be committed. Would a wise reflecting minister have done this? Could any minister, jealous of the dignity of the crown, the honour of the country, and the rights of the people, have assented to such restrictions, at this day, as never were attempted to be imposed upon us before? Is it wise to make a surrender of right? Is it spirited to be abject? Is it a triumph to submit? Is it honourable to be humbled? We have, again and again, denied the Spanish claim of an exclusive privilege: yet we contentedly allow it here. For the fair interpretation of the words of this article amounts to this acknowledgement, --- The coast is yours, and the sea is yours; but, if you will permit our ships to pass your doors, we will permit you, in return

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for your indulgence, to seize all that may accidentally be found at less than 30 miles distance from the shore.

“ARTICLE V.

“It is agreed, that, as well in the places
 “which are to be restored to the British subjects, by virtue of the first article, as in all
 “other parts of the North-Western coasts of
 “North-America, or of the islands adjacent,
 “situated to the North of the parts of the said
 “coast already occupied by Spain, wherever
 “the subjects of either of the two powers shall
 “have made settlements, since the month of
 “April, 1789, or shall hereafter make any,
 “the subjects of the other shall have free access,
 “and shall carry on their trade, without
 “any disturbance or molestation.”

While commenting on this article, let us revert to the first discovery of Nootka, by captain Cook. The Spaniards knew of no such place. The right of possession derived from discovery was peculiarly our own. British ships trade there. British merchants settle there. The Spaniards seize and dispossess them. We resent such seizure. We arm; we threaten; we spend millions to assert our right. We obtain

a qualified concession. --- You may go back to Nootka, says the Spaniard, in his Convention, provided that I go with you. You may even extend your trade and settlements, in a Northern direction, provided I am suffered to attend you. Go where you will, settle where you will, but remember I demand the right of following, of sharing in your trade, superintending your exertions, and participating in your profits. Erect forts, build barracks, establish factories. So will I. Barter your bangles or your blankets for furs; my subjects shall do the same, --- Yours be the enterprize, the discovery, the trouble, and the expence, but observe, that, by this article, I expressly stipulate for a partnership in all that such discoveries may obtain.

What, then, can ever be the benefit of a trade to Nootka-Sound? A trade in which the British merchant is to be eternally watched with the extremest jealousy? Where he is to lose the advantage of settlement, to abandon the right of discovery, to yield implicitly to foreign interference? Where, in fact, he is to act as a jackall to the Spaniard? for his business is to discover and divide. Here we see the policy of the Spanish minister in a very superior point of view. He flatters our ministry with

the appearance of a concession, while, in fact, he is providing a security. For, by contending for a common right of trade, he effectually prevents an establishment. He allows us to plant where he can impoverish the soil ; he permits us to water where he can demand a division of the harvest. We did not originally contend for a right of settling at Nootka *in common* with Spain. We could not do it. It would have been the grossest absurdity to have thought of it. And, as to sharing the trade with the Spaniard, is a British ship, sailing from 45 degrees North latitude to Cape Horn, and from thence to 50 degrees of Northern latitude on the other side of the globe, to have no more than a share of a trade which the inhabitants of New Spain may enjoy and engross at pleasure, as lying directly at their very doors ? Have we been contending and arming for the right of sailing ten or twelve thousand miles for a cargo of furs which the Spaniards can collect without sailing one ? The territory of New Mexico extends to within a very few degrees of Nootka. Of course, if there are furs to encourage the Spaniard, he will at all times clear the market.

But, say the ministry, we are opening a glorious field for contraband commerce. We are providing

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providing a new market for the manufactures of this country. We are reviving the profitable trade that used to be carried on by the South-Sea company. The fishery will be a plea, the fur-trade a pretence merely. We shall find Nootka, in time, a warehouse for European commodities; and the advantages to be derived from it equal to those we experienced when we were allowed to vend our goods at the annual fair of Carthagena.

Charming delusive reveries! Delightful prospects, hail! Let the merchants clap their hands and the manufacturers rejoice! for, according to the *misconceptions* of administration, the day of their triumph is near at hand!

I must, however, be allowed to insist upon the term, *misconception*; because nothing is more certain than that all these views and expectations have been completely *defeated* by permitting the Spaniard to trade in all places where we settle, to watch every cargo we land, to scrutinize into every movement we make, and, of course, to cut off every communication with the inhabitants of their Southern dominions. Had we claimed and obtained an *exclusive privilege* to trade, or an exclusive right to settle at Nootka, the concession had been invaluable; but, as the article now stands, the

ratification of it is degrading to the spirit and policy of the country, and a desertion of the dignity of the crown.

“ ARTICLE VI.

“ It is further agreed, with respect to the
 “ Eastern and Western coasts of South-Ameri-
 “ ca, and to the islands adjacent, that no set-
 “ tlement shall be formed hereafter, by the
 “ respective subjects, in such parts of those
 “ coasts as are situated to the South of those
 “ parts of the same coast, and of the islands
 “ adjacent, which are already occupied by
 “ Spain: provided that the said respective sub-
 “ jects shall retain the liberty of landing on
 “ the coasts and islands so situated for the pur-
 “ poses of their fishery, and of erecting thereon
 “ huts, and other temporary buildings, serving
 “ only for those purposes.”

Before the present Convention was agreed upon, it was always considered that every part of the continent of South-America unoccupied by Spain was free for the subjects of any state that might think proper to land and take possession. It was particularly the doctrine of this country. Unoccupied lands have ever been regarded as a property common to all. If
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it suited the Subjects of Great-Britain to build towns, erect forts, establish factories, on the Patagonian shore, it has ever been conceived that they had an unquestionable right to do so: if they preferred a more distant settlement upon the coast of Terra Deserta, that they had certainly a right to make one: it was never thought, for a moment, that it was necessary to ask the consent of Spain: the consent of our own government was ever deemed sufficient: all the coast, from the southernmost parts of the kingdom of Chili, on the western side of the continent, and all the coast, on the eastern side, from Rio del Plata to Terra del Fuego, comes precisely under this Description: Spain arrogantly assumed, it is true, a nominal and notional jurisdiction over these countries, which never has been allowed, because it could not be maintained, either by the law of nature or of nations. From the days of Elizabeth to the present hour, every circumnavigator, from Drake and Dampier to Cook and Bouganville, have considered these tracts of land as common to the subjects of all nations; and, if no settlement has ever yet been attempted, it was because they afforded no temptation: a day, however, is at length arrived, when the right of settlement becomes

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an important consideration. A new source of national wealth has been discovered ; the seas, bordering on these shores, are found to produce an inexhaustible abundance of fish ; the voyage, however, is too distant to be accomplished without having some place to land on and refresh the seamen ; and, therefore, this was the time for the ministers of Great-Britain, not merely to assert, but to *maintain*, the right of settlement, in defiance of the crown of Spain : that they have not, however, done this, appears too evidently from the article under contemplation : instead of supporting a right, it abjectly and basely surrenders the right ; instead of claiming a settlement, it solicits an indulgence ; instead of opposing an exclusive claim, it fully admits an exclusive claim ; instead of dictating, it negotiates and tamely submits to take a leave, a licence, a favour, an indulgence, from the Spanish court, to erect a few huts, to afford a temporary shelter from the severities of an inclement climate. Is this, then, an acquisition or a concession ? Does this support the honour of the nation, or betray it ? Does this evince the firmness of our ministers, on which we were taught to depend ? Or, can this be construed as a spirited defence of our right, when it is an absolute

solute abandonment of right in every sense of the word ? You shall make no settlement, is the language of the Spanish monarch ; you shall not even erect an hut, but as a temporary dwelling ; you shall be tied and bound down, by this article, to such humiliating restrictions, as no other nation upon the globe would submit to ; you never shall build a fort ; you never shall mount a gun ; you never shall erect a house. A hut, a tent, a shed, is all the covering I will allow you ! America is not confined to these restrictions, neither is France or Holland ; the subjects of Great-Britain, alone, are restrained from forming a settlement ; it is true, says the Spaniard, they enjoyed before *an unlimited right*, in common with the subjects of other states and kingdoms ; but, by the obligations of this article, their ministers have specifically *renounced it*.

“ ARTICLE VII.

“ In all cases of complaint or infraction of
 “ the articles of the present convention, the
 “ officers of either party, without permitting
 “ themselves previously to commit any violence or act of force, shall be bound to make
 “ an exact report of the affair, and of its circumstances, to their respective courts, who
 “ will

" will terminate such differences in an amicable manner."

This article very judiciously provides that disputes shall be represented to the respective courts of the two countries, before any acts of violence are committed, with a political retrospect to all the former articles, which provide for such disputes in every line of them.

" ARTICLE VIII.

" The present convention shall be ratified and confirmed in the space of six weeks, to be computed from the day of its signature, or sooner, if it can be done."

As to the agreement for ratifying the articles, in the course of six weeks, this rather appears a superfluous stipulation; for, as this country has gained nothing by the convention, no objection can possibly arise to retard a ratification on the part of Spain.

In a summary view, then, of all these articles, we discover nothing but a systematic uniformity of concession. — We were in the possession of the trade of Nootka four years ago. We now consent to share that trade with the Spaniard.

Spaniard. --- As to the Southern fishery, we have gained nothing there; for that has been carried on for many years. Forty ships and vessels were employed in it in the years 1787 and 1788, till the market became glutted with oil. No merchant was ever discouraged from sailing to the Southern ocean under the apprehension of trespass. Neither will one ship extraordinary be employed in consequence of the Convention. The fishery, from its commencement, has ever been as free as that to Newfoundland. The only difference now is, that, before the Convention, we exercised it as a *right*, whereas we are now to consider it as a *courtesy*. Before the Convention, the Southern whalers knew of no restriction in landing or erecting; whereas now they are completely restrained. Before the Convention, the right of possession upon discovery was absolute; but now it is a divisional right; the Spaniard is to have his share. Before the Convention, the navigation was unconfined; but now our ships are made subject to confiscation by a hovering-act, though no line is drawn, no limits described, to ascertain at what point the Spanish settlements commence or where they end.

How different is the letter of this Convention,

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tion, from the spirited tenor of the South-Sea company's charter !

This charter says, from the first day of August, 1711, the company shall be vested forever in the sole trade and traffick into, unto, and from, all kingdoms, lands, countries, &c. &c. from the river Oronoque, on the East side of South-America, to the extremity of Terra-del Fuego, and from thence through the South-Seas to the northernmost part of America, *including all the countries, islands, and places, within the said limits, which were reputed to belong to the crown of Spain, or which should hereafter be FOUND OUT or DISCOVERED within the said limits*, not exceeding 300 leagues from the continent. Again, it goes on to say, the members of the said company, their heirs and successors, shall hold and enjoy, for their own use and benefit, all and every the islands, cities, towns, forts, and places, which they shall discover or find out, seize or possess, with all mines of gold, &c. &c.

It does not restrain from settling on an uninhabited coast. It does not prohibit sailing within view of land. It does not consent that Spain shall have a share of their discoveries. Not one syllable is to be found, from the beginning

gaining to the end of it, which does not support the honour of the crown, and the interests of the country. No paltry spiritless abasements are to be discovered here: the grant was made with a freedom and a dignity becoming the generosity of a British parliament, supporting the rights of a spirited and independent people. These extensive privileges may have been suffered to lie dormant, but certain it is, that the faith and honour of parliament stand still pledged to support them, — The rights of fishery, navigation, trade, and settlement, are exclusively vested in this corporation; and, therefore, though the members of it may not wish to interfere with the general interests of the state, it surely becomes a consideration of great moment for every chartered body in the kingdom to discuss, whether rights and privileges, unequivocally, unlimitedly, granted by parliament, can be legally or constitutionally fettered by any subsequent restrictions.

As to the minister's conduct with respect to Nootka, (the first object in dispute, and the first in point of acquisition,) in the year 1785, the settlement was considered of great moment, but, in the following year, it was not held by government in the minutest degree of estimation;

estimation, for a third ship, called the *Harriet*, being fitted out at an expence of 8,000*l.* and upwards, with a view to trade upon the North-West coast of America, at the instigation of the first adventurers, or in consequence of some suggestions from *higher authority*, the ship was seized in the river Thames; and from that period to the present, no ship has been permitted to sail there.

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